

1 KENT J. SCHMIDT (SBN 195969)  
schmidt.kent@dorsey.com  
2 DORSEY & WHITNEY LLP  
600 Anton Boulevard, Suite 2000  
3 Costa Mesa, CA 92626  
Telephone: (714) 800-1400  
4 Facsimile: (714) 800-1499

5 CREIGHTON R. MAGID (admitted *pro hac vice*)  
magid.chip@dorsey.com  
6 DORSEY & WHITNEY LLP  
1401 New York Avenue NW, Suite 900  
7 Washington, D.C. 20005  
Telephone: (202) 442-3555  
8 Facsimile: (202) 442-3199

9 Attorneys for Defendant SAZERAC  
COMPANY, INC.

11 UNITED STATES DISTRICT COURT  
12 NORTHERN DISTRICT OF CALIFORNIA

14 CHRISTOPHER MCKAY, on behalf of himself  
and all others similarly situated,

15 Plaintiff,

17 v.

18 SAZERAC COMPANY, INC.,

19 Defendant.

Case No. 23-cv-00522-EMC

Judge: Hon. Edward M. Chen

**DEFENDANT SAZERAC COMPANY, INC.'S  
RESPONSE TO PLAINTIFF'S MOTION FOR  
LEAVE TO AMEND**

Complaint Filed: February 6, 2023  
Trial Date: None Set

24 ///

25 ///

26 ///

27 ///

1 Although Defendant Sazerac Company, Inc. (“Sazerac”) opposes Plaintiff Christopher McKay’s  
2 proposed First Amended Class Action Complaint on the merits, Sazerac does not oppose Plaintiff  
3 McKay’s motion for leave to file the proposed First Amended Class Action Complaint. Sazerac  
4 previously consented to Plaintiff McKay’s request for additional time to file his motion for leave, and  
5 would have confirmed its non-opposition to the motion for leave to amend prior to filing had Defendant  
6 understood that Plaintiff intended to file the motion imminently.

7  
8 Respectfully submitted,

9  
10 DATED: December 29, 2023

**DORSEY & WHITNEY LLP**

11  
12 By: /s/ Kent J. Schmidt

13 KENT J. SCHMIDT  
14 CREIGHTON R. MAGID

15 Attorneys for Defendant SAZERAC  
16 COMPANY, INC.  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

**CERTIFICATE OF SERVICE**

All Case Participants are registered for the USDC CM/ECF System

***Christopher McKay v. Sazerac Company, Inc.***  
***Northern District of California Case Number 3:23-cv-00522-EMC***

**DEFENDANT SAZERAC COMPANY, INC.'S RESPONSE TO PLAINTIFF'S MOTION FOR  
LEAVE TO AMEND**

I hereby certify that on December 29, 2023, I electronically filed the foregoing document with the Clerk of the Court for the United States District Court for the Northern District of California by using the court's CM/ECF system.

Participants in the case who are registered CM/ECF users will be automatically served by the CM/ECF system.

Dated: December 29, 2023

DORSEY & WHITNEY LLP

By: /s/ Kent J. Schmidt  
Kent J. Schmidt